

**REMARKS**

Claims 21-40 were previously pending in the application. This Amendment adds new claim 41. Claims 21-40 remain unchanged. Claims 21 and 41 are independent.

This Amendment is accompanied by an excess claim fee payment for one (1) excess total claim.

**The Claimed Invention**

An exemplary embodiment of the claimed invention, as recited by, for example, independent claim 21, is directed to a device comprising a gripping element of an appliance door movable relative to the appliance door during a door movement of the appliance door, the gripping element adapting its movement to the movement of the hand of a user.

Claim 22 further recites that the gripping element is movably mounted at least largely independently of a position of the appliance door. Emphasis added.

In some conventional appliances, a handle element of the appliance door moves relative to the appliance door during a door movement of the appliance door. These conventional devices commonly comprise a control gear which fixedly predetermines a movement of the handle element relative to the appliance door depending on the door movement of the appliance door.

In stark contrast, the present invention provides a gripping element that is movably mounted at least largely independently of a position of the appliance door, as recited for example in claim 22.

In this manner, the present invention provides a gripping element that is suitable for adapting to a hand movement of a user, such that the gripping element is always in an ergonomically advantageous position during the hand movement of the user. See, e.g., page 1, lines 21-23; and page 2, lines 4-11.

**The Rejections under 35 U.S.C. § 102**

In the Office Action, claims 21, 22, 29, 30, 33 and 39 are rejected under 35 U.S.C. § 102(a) as being anticipated by the Bartmann reference (U.S. Patent 7,252,082; 8/7/07 — PCT filed 2/27/02).

Applicants respectfully traverse this rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. [...] The identical invention must be shown in as complete detail as is contained in the ... claim." M.P.E.P. § 2131.

Applicants respectfully submit that the Bartmann reference fails to explicitly disclose that the gripping element is movably mounted at least largely independently of a position of the appliance door, as recited for example in claims 21 and 22.

As explained above, these features are important for providing a gripping element that is suitable for adapting to a hand movement of a user, such that the gripping element is always in an ergonomically advantageous position during the hand movement of the user. See, e.g., page 1, lines 21-23; and page 2, lines 4-11.

The Office Action asserts that the Bartmann reference teaches a device comprising a gripping element (13) of an appliance door moveable relative to the appliance door during a door movement of the appliance door with the grip element adapting its movement to the movement of the hand of a user, as recited in claim 21. The Office Action also asserts that the Bartmann reference teaches the gripping element movably mounted at least largely independently of a position of the appliance, as recited in claim 22.

Contrary to the assertions in the Office Action, the Bartmann reference very clearly does not disclose these features. Indeed, the Bartmann reference very clearly fails to disclose at least that the gripping element is movably mounted at least largely independently of a position of the appliance door, as recited for example in claims 21 and 22.

Instead, the Bartmann reference discloses that the pivoting movement of the door 5 is transmitted to the door handle 17, and therefore, that the position of the door handle 17 with respect to the door 5 is dependent on the pivoting position of the door 5.

Particularly, Figure 2 of the Bartmann reference discloses a door handle 13 for a household appliance that is ergonomically favorable for an operator. See, e.g., col. 1, lines 38-41. The door handle 13 pivots with respect to the door 5. The Bartmann reference discloses that the control mechanism 38 transmits a pivoting movement of the door 5 to the door handle 17, i.e., when the door 5 is pivoted in a first pivoting direction, the control mechanism 38 pivots the door handle 17 in a second pivoting direction, counter to the first pivoting direction. In this manner, the horizontal alignment of the door handle 17 is retained regardless of the pivoting position of the door 5. See, e.g., col. 5, lines 54-61; and col. 6, lines 14-17.

In stark contrast, the present invention provides a gripping element that is movably mounted at least largely independently of a position of the appliance door, as recited for example in claims 21 and 22. As explained above, these features are important for providing a gripping element that is suitable for adapting to a hand movement of a user, such that the gripping element is always in an ergonomically advantageous position during the hand movement of the user. See, e.g., page 1, lines 21-23; and page 2, lines 4-11.

The Bartmann reference very clearly does not disclose at least these features of claims 21 and 22.

Applicants respectfully request withdrawal of this rejection.

### **The Rejections under 35 U.S.C. § 103**

In the Office Action, claims 23-28, 31 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bartmann reference in view of the Morawetz reference (U.S. Patent 5,918,347). Claims 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Bartmann reference in view of the Harling reference (U.S. Patent 5,953,644). Claims 34 and 40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over the Bartmann reference in view of the Kawanabe reference (U.S. 2001/10020811).

Applicants respectfully traverse these rejections.

Applicants respectfully submit that none of the applied references discloses or suggests the features of the claimed invention including the gripping element is movably mounted at least largely independently of a position of the appliance door, as recited for example in claims 21 and 22. As explained above, these features are important for providing a gripping element that is suitable for adapting to a hand movement of a user, such that the gripping element is always in an ergonomically advantageous position during the hand movement of the user. See, e.g., page 1, lines 21-23; and page 2, lines 4-11.

For at least the reasons set forth above, the Bartmann reference very clearly does not teach or suggest these features.

The Morawetz reference, the Harling reference, and the Kawanabe reference do not remedy the deficiencies of the Bartmann reference.

Applicants respectfully submit that one of ordinary skill in the art would not have combined the Bartmann reference, the Morawetz reference, the Harling reference, and the Kawanabe reference as alleged by the Office Action. Indeed, the Examiner may not rely upon the Morawetz reference, the Harling reference, and the Kawanabe reference under 35 U.S.C. § 103 because these references are non-analogous art.

To qualify as analogous art, a reference must either be (1) within the field of Applicants endeavor, or if not, (2) the subject matter logically would have commended itself to an inventor's attention in considering his or her invention as a whole. See M.P.E.P. § 2141.01(a)(I) citing *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1397 (2007).

In the present instance, the Morawetz reference, the Harling reference, and the Kawanabe reference clearly are not within the field of Applicants' endeavor.

The field of Applicants' endeavor is the field of home appliances and, more particularly, gripping elements for appliance doors. In stark contrast, the Morawetz

reference, the Harling reference, and the Kawanabe reference are within completely different and unrelated fields.

For example, the Morawetz reference is within the completely different and unrelated field of motor vehicle door locks. The field of endeavor of motor vehicle door locks clearly is different from the field of endeavor of gripping elements for appliance doors.

The Harling reference is within the completely different and unrelated field of automatic firearm safety systems. The field of endeavor of automatic firearm safety systems clearly is different from the field of endeavor of gripping elements for appliance doors.

The Kawanabe reference is within the completely different and unrelated field of overhead doors. The field of endeavor of overhead doors clearly is different from the field of endeavor of gripping elements for appliance doors.

For at least the foregoing reasons, the Morawetz reference, the Harling reference, and the Kawanabe reference are not within the field of Applicants' endeavor.

As set forth above, a reference that is not within the field of Applicants endeavor may qualify as analogous art if the subject matter logically would have commended itself to an inventor's attention in considering his or her invention as a whole. See M.P.E.P. § 2141.01(a)(I) citing *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1397 (2007).

In the present instance, the subject matter of each of the Morawetz reference, the Harling reference, and the Kawanabe reference logically would *not* have commended itself to an inventor's attention in considering his or her invention as a whole.

Properly considered as a whole, the present invention is directed to the field of home appliances and, more particularly, gripping elements for appliance doors. The present invention is concerned with providing a gripping element that is suitable for adapting to a hand movement of a user, such that the gripping element is always in an ergonomically advantageous position during the hand movement of the user. See, e.g., page 1, lines 21-23; and page 2, lines 4-11.

The Morawetz Reference

In stark contrast to the present invention, the Morawetz reference very clearly is concerned with the completely unrelated problem of providing motor vehicle door locks in which the door lock has as small a dimension as possible even when the door is opened at a maximum angle, which prevents penetration of abrasive particles and dirt into the door lock during varnishing of the vehicle body and/or operation of the door, and which can be adjusted at an moment during the mounting of the door hinge and/or door lock, etc. Col. 1, lines 62-67; and col. 2, lines 1-15 and 27-67.

The subject matter of the Morawetz reference logically would *not* have commended itself to an inventor's attention in considering, as a whole, ways to provide a gripping element that is suitable for adapting to a hand movement of a user, such that the gripping element is always in an ergonomically advantageous position during the hand movement of the user. Indeed, the Morawetz reference has absolutely nothing to do with solving these problems, as in the present invention as a whole.

The Morawetz reference does not address any need or problem known in the field of gripping elements for appliance doors, and indeed, clearly would not have commended itself to the attention of the ordinarily skilled artisan looking to solve problems with gripping elements in appliance doors. Rather, the Morawetz reference very clearly is concerned with the completely unrelated problem of providing motor vehicle door locks in which the door lock has as small a dimension as possible even when the door is opened at a maximum angle, which prevents penetration of abrasive particles and dirt into the door lock during varnishing of the vehicle body and/or operation of the door, and which can be adjusted at an moment during the mounting of the door hinge and/or door lock, etc.

Applicants respectfully submit that the subject matter of the Morawetz reference logically would *not* have commended itself to an inventor's attention in considering his or her invention as a whole, and therefore, the Morawetz reference does not qualify as analogous art and it would not have been obvious to combine these references in the manner alleged.

The Harling Reference

In stark contrast to the present invention, the Harling reference very clearly is concerned with the completely unrelated problem of automatic firearm user identification and safety modules where power consumption is reduced and safety is increased. Col. 2, lines 29-31.

The subject matter of the Harling reference logically would *not* have commended itself to an inventor's attention in considering, as a whole, ways to provide a gripping element that is suitable for adapting to a hand movement of a user, such that the gripping element is always in an ergonomically advantageous position during the hand movement of the user. Indeed, the Harling reference has absolutely nothing to do with solving these problems, as in the present invention as a whole.

The Harling reference does not address any need or problem known in the field of gripping elements for appliance doors, and indeed, clearly would not have commended itself to the attention of the ordinarily skilled artisan looking to solve problems with gripping elements in appliance doors. Rather, the Harling reference very clearly is concerned with the completely unrelated problem of providing an automatic firearm user identification and safety module where power consumption is reduced and safety is increased.

Applicants respectfully submit that the subject matter of the Harling reference logically would *not* have commended itself to an inventor's attention in considering his or her invention as a whole, and therefore, the Harling reference does not qualify as analogous art and it would not have been obvious to combine these references in the manner alleged.

The Kawanabe Reference

In stark contrast to the present invention, the Kawanabe reference very clearly is concerned with the completely unrelated problem of providing an overhead door suspended from the top of an opening of a cabinet and capable of being lifted until it is placed on the roof wall of the cabinet to keep the door open. Paragraph [0001].

The subject matter of the Kawanabe reference logically would *not* have commended itself to an inventor's attention in considering, as a whole, ways to provide

a gripping element that is suitable for adapting to a hand movement of a user, such that the gripping element is always in an ergonomically advantageous position during the hand movement of the user. Indeed, the Kawanabe reference has absolutely nothing to do with solving these problems, as in the present invention as a whole.

The Kawanabe reference does not address any need or problem known in the field of gripping elements for appliance doors, and indeed, clearly would not have commended itself to the attention of the ordinarily skilled artisan looking to solve problems with gripping elements in appliance doors. Rather, the Kawanabe reference very clearly is concerned with the completely unrelated problem of providing an overhead door suspended from the top of an opening of a cabinet and capable of being lifted until it is placed on the roof wall of the cabinet to keep the door open.

Applicants respectfully submit that the subject matter of the Kawanabe reference logically would *not* have commended itself to an inventor's attention in considering his or her invention as a whole, and therefore, the Kawanabe reference does not qualify as analogous art and it would not have been obvious to combine these references in the manner alleged.

For at least the foregoing reasons, none of the applied references discloses or suggests the subject matter defined by claims 21 and 22.

Applicants respectfully request withdrawal of these rejections.

#### **New Claim 41**

The Amendment adds new claim 41. No new matter is added. See, e.g., Figure 1 and page 7, lines 4-12.

Applicants respectfully submit that none of the applied references discloses or suggests the subject matter defined by independent claim 41, for at least the reasons set forth above.

Applicants respectfully request allowance of new claim 41.



**CONCLUSION**

In view of the above, entry of the present Amendment and allowance of Claims 21-41 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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